

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

CELESTER ARRINGTON,

Plaintiff,

v.

ORDER  
09-CV-870

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

---

This case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(A). On May 7, 2010, defendant filed a motion for judgment on the pleadings and on July 12, 2010, plaintiff filed a motion for judgment on the pleadings. On August 8, 2011, Magistrate Judge Foschio filed a Report and Recommendation, recommending that defendant's motion should be denied, that plaintiff's motion seeking remand for further consideration should be granted and the matter remanded for further development of the record and reconsideration of plaintiff's claim.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation defendant's

motion for judgment on the pleadings is denied, plaintiff's motion seeking remand for further consideration is granted and the matter is remanded for further development of the record and reconsideration of plaintiff's claim. The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

*s/ Richard J. Arcara*

HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: August 30, 2011